

### **REMARKS**

Claims 1-47 are currently pending in the application. Claims 17-29 and claims 39-47 have been withdrawn from prosecution and are herein canceled without prejudice. Claims 6 and 11 have been amended. Claims 1, 3-6, 9, 11, 13-15, 30, 32-35, and 37 have been rejected under 35 USC § 102(e); and claims 2, 7, 8, 10, 12, 16, 31, 36, and 38 are rejected under 35 U.S.C. § 103(a). Accordingly, after entry of this amendment, the pending claims will be claims 1-16 and claims 39-47.

The Applicants appreciate the Examiner's thorough examination of the subject application and requests reconsideration of the subject application based on the above amendments and the following remarks.

### **35 USC § 102(e) REJECTIONS**

The Examiner has rejected claims 1, 3-6, 9, 11, and 13-15 under 35 USC § 102(e) as being anticipated by U.S. Patent Number 6,562,669 to Suzawa, et al. ("Suzawa" or the "Suzawa Reference"); and claims 30, 32-35, and 37 under 35 USC § 102(e) as being anticipated by U.S. Patent Number 6,566,745 to Beyne, et al. ("Beyne" or the "Beyne Reference"). The Applicants respectfully traverse these rejections.

### **Claims 1, 3-6, 9, 11, and 13-15**

Suzawa relates to display devices [See, e.g., Suzawa, col. 1, lines 10-14; col. 2, lines 12-13; col. 18, lines 11-18] and is not relevant to image pickup devices.

Moreover, independent claims 1, 6, and 11 recite structure that includes a light-transparent cover (or plate) that has "planar dimensions smaller than those of said solid state image pickup devices." Referring to FIGs. 5A and 5B of Suzawa, the Examiner equates substrate 500 to the "solid state image pickup device" of the present invention, an unnumbered "top substrate in fig. 5b" to the "light transparent cover" of the present invention, and asserts that the "top substrate in fig. 5b" has "planar

dimensions smaller than those of the solid state image pickup device". The Applicants respectfully disagree with the Examiner's characterization of the Suzawa disclosure.

The Applicants respectfully maintain that, substrate 500 in the Suzawa reference is nothing more than a substrate, which is not a "solid state image pickup device". Moreover, the Applicants assert that, if Suzawa teaches a "solid state image pickup device" in FIG. 5B at all, it would be an unnumbered rectangular substrate that is disposed above substrate 500 and insulating film 510 and beneath protective film 519, sealing material 518, cathode 517, and EL layer 516. This structure includes solid state devices, i.e., TFTs 511 and 514, as well as pixel portion 502.

Assuming, arguendo, that the unnumbered rectangular substrate is the "solid state image pickup device", then Suzawa's "cover member" is not smaller in dimension than the "solid state image pickup device". Moreover, there is no adhering section that adheres the "cover member" to the unnumbered rectangular substrate, i.e., the "solid state image pickup device". Accordingly, the Applicants maintain that the Suzawa reference does not anticipate independent claims 1, 6 or 11 and, therefore, also cannot anticipate any claims depending therefrom.

Therefore, it is respectfully submitted that, claims 1, 3-6, 9, 11, and 13-15 are allowable. Moreover, it is respectfully submitted that the subject application is in condition for allowance. Early and favorable action is requested.

#### Claims 30, 32-35, and 37

Independent claims 30, 32, and 37 recite structure that includes "an optical path defining unit". However, the Beyne reference does not disclose "an optical path defining unit". Therefore, it is respectfully submitted that, claims 30, 32-35, and 37 also are not anticipated or made obvious by the Beyne reference and further, satisfy all of the requirements of 35 U.S.C. § 100, et seq., especially § 102(e). Accordingly, claims 30, 32-35, and 37 are allowable. Moreover, it is respectfully submitted that the

subject application is in condition for allowance. Early and favorable action is requested.

### 35 USC § 103(a) REJECTIONS

The Examiner has rejected claims 2, 8, 10, and 12 under 35 USC § 103(a) as being unpatentable over the Suzawa Reference in view of U.S. Patent Number 5,932,058 to Mueller, et al. ("Mueller" or the "Mueller Reference"); claims 7 and 16 under 35 USC § 103(a) as being unpatentable over the Suzawa Reference in view of U.S. Patent Number 6,169,319 to Malinovich, et al. ("Malinovich" or the "Malinovich Reference"); and claims 31, 36, and 38 under 35 USC § 103(a) as being unpatentable over the Beyne Reference in view of U.S. Patent Number 6,794,218 to Barton, et al. ("Barton" or the "Barton Reference"). The Applicants respectfully traverse these rejections.

#### Claims 2, 7, 8, 10, 12, and 16

The deficiencies of the Suzawa reference have been described above. Nor can the Mueller or Malinovich references make up for those deficiencies. Therefore, it is respectfully submitted that, claims 2, 7, 8, 10, 12, and 16 are not made obvious by the Suzawa reference in view of Mueller or Malinovich and, further, satisfy all of the requirements of 35 U.S.C. § 100, et seq., especially § 103(a). Accordingly, claims 2, 7, 8, 10, 12, and 16 are allowable. Moreover, it is respectfully submitted that the subject application is in condition for allowance. Early and favorable action is requested.

#### Claims 31, 36, and 38

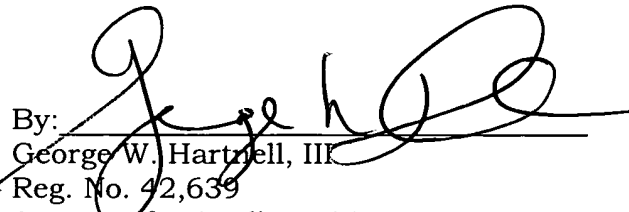
The deficiencies of the Beyne reference have been described above. Nor can the Barton reference make up for those deficiencies. Therefore, it is respectfully submitted that, claims 31, 36, and 38 are not made obvious by Beyne in view of Barton and, further, satisfy all of the requirements of 35 U.S.C. § 100, et seq., especially § 103(a). Accordingly, claims 31, 36, and 38 are allowable. Moreover, it is

respectfully submitted that the subject application is in condition for allowance. Early and favorable action is requested.

Although it is not believed that any additional fees are needed to consider this submission, the Examiner is hereby authorized to charge our deposit account no. 04-1105 should any fee be deemed necessary.

Date: September 22, 2005

Respectfully submitted,

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